

ELECTRONICALLY FILED

REQUEST FOR REFUND UNDER 37 CFR 1.26 Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	STAN-571
	Confirmation No.	6970
	First Named Inventor	Wang, Shan X.
	Application Number	10/829,505
	Filing Date	April 22, 2004
	Group Art Unit	1641
	Examiner Name	DO, PENSEE T
	Title:	“MAGNETIC NANOPARTICLES, MAGNETIC DETECTOR ARRAYS, AND METHODS FOR THEIR USE IN DETECTING BIOLOGICAL MOLECULES”

Sir:

Applicant respectfully requests a refund of the five month extension fee, \$1,110.00, charged to our deposit account on March 27, 2008.

Attached is a copy of the Petition filed on March 27, 2008, requesting relief of the extension fees associated with the response to the Office Action dated October 2, 2007. The petition includes our internal Mail Log for the business week following the mailing date of the Office action. We would like to reiterate that as a firm policy, we log everything that our office receives from the USPTO. The attached mail log confirms that the Office action dated October 2, 2007 was never received as stated in the petition. The Office action was discovered during a routine status check on March 19, 2008. Thus, applicant requested that the extension period be excused and the response filed on March 27, 2008 be considered timely filed.

However, applicant notes that on March 27, 2008, the extension fees of \$1,110.00 was charged to our deposit account. Therefore, applicant respectfully requests that the petition filed on March 27, 2008 be granted and the fees amounting to \$1,110.00 be refunded to the account that was charged, Deposit Account No. 50-0815. A copy of the United States Patent and Trademark Office Sales Receipt for Accounting Date: 06/05/2008, downloaded from PAIR, showing these charges to Deposit Account No. 50-0815 is attached.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: October 6, 2009

By: /Bret E. Field, Reg. No. 37,620/
Bret E. Field
Registration No. 37,620

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Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 06/05/2008

KTURNER	SALE	#00000001	Mailroom Dt: 03/27/2008	500815	10829505
		01 FC : 2255		1,110.00 DA	

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PETITION UNDER 37 CFR 1.181(b) Address to: Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	STAN-571
	Confirmation No.	6970
	First Named Inventor	Wang, Shan X.
	Application Number	10/829,505
	Filing Date	April 22, 2004
	Group Art Unit	1641
	Examiner Name	DO, PENSEE T
Title: "MAGNETIC NANOPARTICLES, MAGNETIC DETECTOR ARRAYS, AND METHODS FOR THEIR USE IN DETECTING BIOLOGICAL MOLECULES"		

Sir:

Applicant(s) petition under § 37 CFR 1.181(b) for relief of the extension fees in association with the attached response. The Office action dated October 2, 2007 was never received by the correspondence address of record.

Attached is a copy of our internal Mail Log for the business week following the mailing date of the Office action. As a firm policy, we log everything that our office receives from the USPTO. The attached mail log confirms that the Office action dated October 2, 2007 was never received.

Further, a six (6) month status inquiry is docketed after any amendment/response filed with the USPTO. Subsequently we had a status check docketed for March 19, 2008 following our amendment filed on September 19, 2007. In response to this routine status check, while reviewing Private PAIR, we found said Office action dated October 2, 2007 outstanding and awaiting response.

Applicants submit herewith the response to the Office action dated October 2, 2007. Since the Office action was never received, it is respectfully requested that the extension period for reply to this Office action be excused, therefore making this response timely filed.

While no fee is believed due, the Commissioner is hereby authorized to charge any fees which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN-571.

I hereby declare that all statements made herein of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: March 27, 2008

By: /Bret E. Field, Reg. No. 37,620/
Bret E. Field
Registration No. 37,620

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East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

MAIL LOG: WEDESDAY 10-3-07

NOTE: ALL MAIL IS RECEIVED BY DOCKETING AND THEN DISTRIBUTED TO ATTORNEY/AGENT ADMINS

PCT/RO/102 = Notification concerning fees

PCT/RO/105 = Notification of international application number and international filing date

PCT/RO/106 = Invitation to Correct Defects

IB 301 = Notification of receipt of record copy

IB 304 = Notification concerning submission or transmittal of priority doc

IB 332 = Information concerning elected offices notified of their election

IB 308 = Published application and notice re: communication of the international application to designated offices

IB 306 = Notification of the Recording of a Change

IB 326 = Notification concerning transmittal of copy of international preliminary report on patentability

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EP 1201 = Notice of entry into the EP phase before the EPO

EP 1224 = Invitation to proceed with EP application

EP 1226 = Communication pursuant to Rules 109 and 110 EPC

IPEA 402 = Notification of Receipt of Demand by IPEA

IPEA 416 = Transmittal of International Preliminary Exam Report

ISA/220 = Notification of transmittal of the international search report and the written opinion of the international searching authority

ISA/206 = Invitation to pay additional fees and, where applicable, protest fee

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
	ALL CASES	ALL***	NOVARTIS INTL: LTR WITH GENERAL INFO AND SOME INSTRUX FOR NOVARTIS IP RESTRUCTURING (D.H.L.)
BEF	SKEL-009	10/851,766	SKELETAL KINETICS: DECL OF DAVID DELANEY (FED EX)
BEF	YAMA-001EP2	0544759	BOULT ET AL: COPY EPO COMM
BEF	BERK-021	10/449,710	PTO: ADVISORY ACTION
CLF	RICE-035	10/535,787	F.B. RICE: LTR RE INSTRUX TO ALLOW APPLN TO LAPSE
KYB	BEAR-GEN1	N/A	ACOLOGIX: REVIEW PORTFOLIO INSTRUX

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
KYB	BEAR-013WO	US2006/033133	ACOLOGIX: FOREIGN FILING INSTRUX
KYB	BEAR-012WO	US2005/027075	ACOLOGIX: FOREIGN FILING INSTRUX
KYB	MRIN-010EP	04796350.9	J.A. KEMP: LTR RE FEE REFUND
PAB	AERX-077JP	2001-570244	SHIMIZU: LTR RE REQUEST EXAMINATION DEADLINE REMINDER
PAB	BERK-039EP	05823231.5	MEWBURN ELLIS: COPY LTR TO EPO RE INVENTOR ADDRESS CORRECTION
PJS	STAN-502WO	US2007/014296	WIPO: IB/304

MAIL LOG: THURSDAY 10-4-07

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TO	CLIENT NO.	APPL. NO.	ENCLOSURE
BEF DCS	BDFT-002AU	N/A	D. YOUNG: LTR TO CLIENT CONF AU NAT PHASE ENTRY, COPY FOREIGN ASSOC LTR
CLF	SNDR-001CIP(SP)	09/307,956	J. SCHNEIDER: ISSUE FEE PAYMENT AUTHORIZATION
DCS	AREN-010CON	10/761,712	PTO: NOTICE OF ABANDONMENT
KYB	UCAL-346WO	US07/18857	WIPO: RO/102
PAB	GLAD-009EP	02728507.1	MEWBURN ELLIS: COPY EXAM REPORT
PAB	UCSD-170EP	0794797	MEWBURN ELLIS: LTR RE OPPOSITION HEARING
PAB	GLAD-022EP1	98942283.7	MEWBURN ELLIS: COPY DECISION TO GRANT

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
PJB	STAN-044EP	0812331	CARPMAELS & RANSFORD: LTR RPT AMENDED EP PATENT
PJB	TOSK-007EP	02768878.7	MEWBURN ELLIS: LTR CONF INSTRUX ABANDON APPLN
PJS	STAN-102EP	99939702.9	MEWBURN ELLIS: LTR RE RESPONSE DEADLINE REMINDER
PJS	BERK-023EP	01970911.2	MEWBURN ELLIS: LTR RE RESPONSE DEADLINE REMINDER
PJS	SEEK-001EP	01914718.0	MEWBURN ELLIS: LTR RE RESPONSE DEADLINE REMINDER
PJS	STAN-473NZ	560626	STANFORD: EXECUTED ASSIGNMENT (L. STEINMAN)
PJS	STAN-428WO	US2006/018132	WIPO: IB/308
PJS	KINE-001CIP5	09/998,250	PTO: DECISION ON PETITION

MAIL LOG: FRIDAY 10-5-07

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TO	CLIENT NO.	APPL. NO.	ENCLOSURE
BEF	CALD-008PH	1-2006-502136	RMBSA: LTR RE INVOICE
BEF	CALD-008OA	1200600369	L. CLADWELL: RECEIPT ACKNOWLEDGED
BEF	PRTS-007CON4	11/664,340	PTO: FILING RECEIPT
BEF	PRTS-007CON4	11/664,340	PTO: NTC RE FILING 35 U.S.C. 111 APPLN
BEF	PRTS-007CON4	11/664,340	PTO: NOTICE FILE MISSING PARTS
BEF	MGRY-001PRV	60/973,973	PTO: FILING RECEIPT
BEF	ARSI-011	11/138,058	PTO: UPDATED FILING RECEIPT
BEF	MTRX-001	10/635,847	PTO: NOTICE ALLOWANCE AND FEES DUE
BEF	STHP-013	10/450,334	PTO: OFFICE ACTION

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
BEF	STHP-005	7,276,329	PTO: PATENT RIBBON COPY
BEF	STHP-005	7,276,329	PTO: PATENT SOFT COPIES
CLF	FOCS-003WO	US2005/023400	WIPO: ISA/206
CLF	RICE-062WO	US2007/003393	WIPO: ISA/206
CLF	CHOR-001CON	11/081,882	PTO: NTC COMPLY WITH REQS FOR APPLN CONTAINING SEQUENCE DISCLOSURE
DCS	STAN-574PRV	60/973,402	PTO: FILING RECEIPT
JSK	MEWE-026	10/555,709	MEWBURN ELLIS: RCE FILING REQUEST (DELIVERED VIA SKY NET)
JSK	RIGL-005CON3	10/934,614	PTO: OFFICE ACTION
KAF	UCAL-280	10/809,777	GLADSTONE: ISSUE FEE PAYMENT AUTHORIZATION
KWZ	RICE-061PRV	60/880,159	PTO: APPLICATION CERTIFIED COPY
KYB	SHIM-023	11/576,380	SHIMIZU: LTR RE AMENDED CLAIMS
KYB	SHIM-021 SHIM-020 SHIM-022	11/576,042 11/576,040 11/576,043	SHIMIZU: LTR RE AMENDED CLAIMS
KYB	SHIM-019	10/582,655	SHIMIZU: LTR RE INVOICE
PAB	GLAD-014EP	02742174.2	MEWBURN ELLIS: COPY RESPONSE AS FILED
PAB	UCSD-173JP	11-502803	HIRAKI: COPY REQUEST EXT TIME AS FILED
PAB	UCAL-342	11/880,126	PTO: FILING RECEIPT
PAB	UCAL-342	11/880,126	PTO: NOTICE FILE MISSING PARTS
PAB	GLAD-041PRV	60/973,993	PTO: FILING RECEIPT
PAB	GLAD-020	11/166,669	PTO: RESTRICTIONR REQUIREMENT
PJB	AREN-112WO	US2006/016024	ARENA: CLAIMS-PAPER & CD (FED EX)

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
PJB	BERK-024AU	2004256444	F.B. RICE: CONF SEARCH RESULTS REPORTED TO APO, COPY DOCS FILED
PJS	STAN-258WO6	US2006/033486	WIPO: ISA/220
PJS	STAN-473CON	11/777,156	PTO: UPDATED FILING RECEIPT
PJS	STAN-102CON	6,686,166	PTO: MAINTENANCE FEE STATEMENT

MAIL LOG: Monday 10-08-07

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	N/A	N/A	NOVARTIS: SECOND COPY OF LTR/INSTRUX ON NOVARTIS IP RESTRUCTURING (DHL)
BEF	STAN-350	N/A	BELL BOYD: FILE FOR NOTED CASE
PAB	UCSD-328JP	US2006/006095	SHIMIZU: DETAILS ON FILING OF NATL FORM PAPER (FED EX)
PJS	TBD	2007/241899	SHIMIZU: MTLs FOR DIVISIONAL APPLICATION FILED (FED EX)

MAIL LOG: TUESDAY, 10-9-07

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BEF	WTHD-001JP WTHD-002JP	2006-541476 2007-502063	OKUYAMA: COPY APPLICATION
BEF	NTLC-001IN	3690/DELNP/2007	K&S PARTNERS: RPT EXECUTED FORMS 1, 26, PCT/IB/304, PCT/IB/306 FILED IN IPO
BEF	WTHD-001DE	112004002318.1	WILLIAMS POWELL: LTR RE RENEWAL REMINDER
BEF	TEIK-T002ID	D002005027232	ELLA CHEONG: CONF INSTRUX ABANDON APPLN
BEF	CALD-008JP	2007-510880	AOYAMA: LTR RE REQUEST EXAM DEADLINE
BEF	STAN-400WO	US2006/009134	WIPO: IB/326

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
BEF	VFLX-T003WO	895838	WIPO: STATEMENT GRANT PROTECTION
BEF	ARSI-018	11/578,803	PTO: FILING RECEIPT
BEF	ARSI-018	11/578,803	PTO: NOTICE ACCEPTANCE APPLICATION
BEF	PALO-018	11/858,819	PTO: FILING RECEIPT
BEF	PALO-018	11/858,819	PTO: NOTICE FILE MISSING PARTS
BEF	SKEL-007	10/629,321	PTO: CORRECTED NTC ALLOWANCE AND FEES DUE
BEF	TOSK-007CIPCON	10/803,550	PTO: OFFICE ACTION
BEF	STAN-295	10/888,435	PTO: OFFICE ACTION
CLF	WING-GEN1	N/A	WINGREEN: REVIEW PORTFOLIO INSTRUX
CLF	CHOR-014CA	2590974	FETHERSTONHAUGH: COPY SEQUENCE LISTING AS FILED
CLF	CHOR-001KR	2003-7001130	Y.S. CHANG: RPT EXTENSION TIME FILED
CLF	DURE-024JP	2001-566703	SHIMIZU: LTR RE FUTURE CORRESPONDENCE
CLF	IRVN-007IL2	139566	REINHOLD COHN: RPT EXTENSION TIME FILED
CLF	UCSF-241CA	2308274	BORDEN ET AL: COPY OFFICIAL ACTION
CLF	TRCA-101EPDIV2	06026832.3	HELLER EHRMAN: COPY LTR TO CLIENT, FOREIGN ASSOC LTR, EPO SEARCH RPT
CLF	BERK-046WO	US2006/036196	WIPO: ISA/220
CLF	UCSB-515PRV	60/963,773	PTO: FILING RECEIPT
CLF	RICE-044	10/559,221	PTO: RESTRICTION REQUIREMENT
CLF	STAN-426CON	10/692,151	PTO: NOTICE ALLOWANCE AND FEES DUE
CLF	RICE-020	10/470,924	PTO: OFFICE ACTION
CLF	UCAL-145	5,914,394	FISH & RICHARDSON: LTR RE TRANSFER OF

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
			DOCS (FED EX)
DCS	PRTS-013WO	US2006/025648	WIPO: IB/332
JSK	RIGL-005JP	9-526982	WINGREEN: LTR RE INVOICE
KYB	LBLB-002CA1	2366303	GOWLINGS: COPY RESPONSE TO OFFICE ACTION AS FILED
KYB	UCAL-326WO	US2006/009752	WIPO: IB/326
KYB	ZGNX-119WO	US2007/001403	WIPO: ISA/220
KYB	SAAL-001	11/139,731	PTO: INTERVIEW SUMMARY
KYB	SAAL-001CIP	11/442,641	PTO: INTERVIEW SUMMARY
KYB	AKRS-013CON	11/238,983	PTO: OFFICE ACTION
PAB	UCAL-274EP	03726921.4	MEWBURN ELLIS: RPT EXTENSION TIME FILED
PAB	BEAR-006CN2	01815793.9	SPTL: LTR REQUEST OA RESPONSE INSTRUX
PAB	UWTT-013	11/840,112	UNC: EXECUTED DECLARATION, ASSIGNMENT (C. OTEY)
PAB	TRCA-002WO	US2004/026947	WIPO: ISA/220
PAB	IRVN-263	09/129,028	PTO: NOTICE OF HEARING
PAB	UCSD-314	10/588,573	PTO: FILING RECEIPT
PAB	UCSD-314	10/588,573	PTO: NOTICE ACCEPTANCE APPLICATION
PAB	BERK-012DIV2	11/218,976	PTO: NOTICE ALLOWANCE AND FEES DUE
PAB	BERK-036CON2	11/610,690	PTO: OFFICE ACTION
PJB	STAN-473IN	6340/DELNP/2007	STANFORD: EXECUTED FORM 1, 26
PJS	STAN-205EP	01968701.1	MEWBURN ELLIS: COPY RESPONSE AS FILED
PJS	STAN-398WO	US2005/009075	WIPO: IB/326
PJS	STAN-438WO	US2006/028306	WIPO: ISA/220

TO	CLIENT NO.	APPL. NO.	ENCLOSURE
PJS	UWTT-011WO	US2007/004785	WIPO: IB/308
PJS	SEEK-012WO	US2007/013230	WIPO: IB/304
PJS	SEEK-012WO	US2007/013230	WIPO: IB/301
PJS	MONY-001WO	US07/14507	WIPO: RO/151
PJS	STAN-128	09/550,303	PTO: BOARD OF APPEALS DOCKETING NOTICE RE APPEAL NO.
PJS	STAN-258US2	10/514,177	PTO: RESTRICTION REQUIREMENT
PJS	STAN-258CIP6	11/213,173	PTO: RESTRICTION REQUIREMENT
PJS	STAN-270CON	11/799,817	PTO: OFFICE ACTION